

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2265

LORENZO W. COATS,

Plaintiff - Appellant,

versus

DANIEL P. KIEHART; MICHAEL P. SHEETZ; DUKE
UNIVERSITY, Incorporated; ROBERT WINFREE,

Defendants - Appellees.

No. 95-2723

LORENZO W. COATS,

Plaintiff - Appellant,

versus

DANIEL P. KIEHART; MICHAEL P. SHEETZ; DUKE
UNIVERSITY, Incorporated; ROBERT WINFREE,

Defendants - Appellees.

Appeals from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., District Judge. (CA-94-292-CV-1, CA-94-293-CV-1, CA-94-294-CV-1, CA-94-295-CV-1)

Submitted: March 5, 1996

Decided: March 19, 1996

Before ERVIN and HAMILTON, Circuit Judges, and CHAPMAN, Senior Circuit Judge.

No. 95-2265 affirmed in part and dismissed in part and No. 95-2723 dismissed by unpublished per curiam opinion.

Lorenzo W. Coats, Appellant Pro Se. John Morgan Simpson, Sally Patricia Paxton, FULBRIGHT & JAWORSKI, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In No. 95-2265 Appellant appeals the district court's decisions compelling arbitration and denying a preliminary injunction. In No. 95-2723, Appellant appeals the district court's order refusing to stay arbitration pending appeal. We dismiss the appeal of the district court's decision compelling arbitration in No. 95-2265 for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1988), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1988); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order here appealed is neither a final order nor an appealable interlocutory or collateral order. See Humphrey v. Prudential Sec. Inc., 4 F.3d 313, 137 (4th Cir. 1993). Further, we have reviewed the record and the district court's opinion denying the motion for a preliminary injunction and find no reversible error. Accordingly, we affirm the denial of that motion on the reasoning of the district court. Coats v. Kiehart, Nos. CA-94-292-CV-1, CA-94-293-CV-1, CA-94-294-CV-1, CA-94-295-CV-1 (M.D. N.C. May 30, 1995).

Finally, in No. 95-2723, we dismiss the appeal of the district court's decision denying a stay of arbitration pending appeal as moot. Although we grant Appellee's request to strike the Appellant's affidavit filed in this court, we deny Appellee's motion to strike Appellant's informal reply brief. We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before the court and argument would not aid the decisional process.

No. 95-2265 - DISMISSED IN PART, AFFIRMED IN PART

No. 95-2723 - DISMISSED